

Message Text

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R 141545Z SEP 74

FM SECSTATE WASHDC

TO AMEMBASSY NEW DELHI

INFO AMCONSUL BOMBAY

AMCONSUL CALCUTTA

AMCONSUL MADRAS

C O N F I D E N T I A L STATE 202884

E.O. 11652: GDS

TAGS: OGEN, IN, US

SUBJECT: CONSULAR CONVENTION

REF: (A) NEW DELHI 11683; (B) STATE 192315

1. YOUR COMMENTS (REF A) ON PROPOSED CONSULAR CONVENTION APPRECIATED. HOWEVER, WE STILL FEEL IT WORTHWHILE TO SEE IF GOI INTERESTED IN A CONVENTION.

2. ALTHOUGH ACCESS WAS A PROBLEM IN HARCOS/FLETCHER CASE ONLY BETWEEN MAY 3 AND JUNE 19, WE NOTE THAT ISSUE MAY AGAIN ARISE IF THE TWO MEN ARE PLACED UNDER HOUSE ARREST AND END THEIR HUNGER STRIKE. THERE IS NO GUARANTEE ISSUE WILL NOT CROP UP IN SOME FUTURE CASE
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SOMEWHERE ELSE IN INDIA BECAUSE OF LOCAL POLICE/

JURIDICAL CONSIDERATIONS. THUS WE THINK THE ACCESS QUESTION IS AN IMPORTANT ONE AND WORTHY OF TREATMENT IN A CONSULAR CONVENTION.

3. MORE BASICALLY, HARCOS/FLETCHER CASE ILLUSTRATES POTENTIAL PROBLEM OF DEALING WITH CONSULAR CASES WITHIN CONTEXT OF A FEDERAL SYSTEM SUCH AS INDIA'S OR OUR OWN IN ABSENCE OF A CONSULAR AGREEMENT. AS OUTLINED IN REF B, CONSULAR CONVENTION WOULD BENEFIT THE GOI SINCE THEIR CONSULAR REPRESENTATIVES OPERATE WITHIN FRAMEWORK OF OUR FEDERAL SYSTEM. IN DISCUSSING WITH GOI, WE THINK

STRESS SHOULD BE PLACED ON THIS BROAD POINT, NOT THE MAY 3-JUNE 19 ACCESS PROBLEM OF HARCOS/FLETCHER.

4. ANOTHER POINT THAT MIGHT BE MADE TO INDIANS IS THAT EXISTENCE OF A CONSULAR CONVENTION WOULD IMPROVE THE CLIMATE FOR AMERICAN TRADE AND INVESTMENT, WHICH THEY APPEAR TO DESIRE. AMERICAN TRADERS AND INVESTORS MIGHT BE LESS RELUCTANT TO DO BUSINESS WITH INDIA IF THEY KNEW THERE WERE SOME BASIC CONSULAR GUARANTEES REDUCING POSSIBILITIES FOR TYPES OF PROBLEMS ENCOUNTERED IN HARCOS/FLETCHER AND DROBOT CASES.

5. CONSULAR CONVENTION MIGHT ALSO BE VEHICLE TO GIVE US HANDLE ON CONSULAR DISTRICT ISSUE. NEGOTIATIONS WITH THE INDIANS FOR A CONVENTION WOULD PROVIDE US WITH AN OPPORTUNITY FORCEFULLY TO BRING THE CONSULAR DISTRICT ISSUE TO INDIAN ATTENTION AND ALSO GIVE LEVERAGE TO WORK ON INDIAN POSITION. (WE WOULD BE ABLE TO DISCUSS BOUNDARIES OF CONSULAR DISTRICTS WITHIN WHICH INDIAN CONSULAR REPRESENTATIVES OPERATE IN THE UNITED STATES AT THE SAME TIME WE DISCUSSED THE BOUNDARIES OF CONSULAR DISTRICTS IN INDIA.)

6. FINALLY, CONVENTION COULD INCLUDE PROVISION WHICH WOULD ASSIST U.S. AND GOI CONSULAR OFFICIALS IN DEALING WITH PROBLEMS OF SEAMEN AND SHIPPING. THIS COULD INCLUDE PROBLEMS INVOLVING LEGAL AS WELL AS QUASI-LEGAL OR ADMINISTRATIVE PROCEEDINGS. KISSINGER
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